

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Request for Review of the	)	
Decision of the	)	
Universal Service Administrator by	)	
	)	
Education Service Center Region 12	)	NEC.471.01-19-0105500589;
Waco, Texas	)	NEC.471.01-19-0105500658;
	)	NEC.471.01-19-0105500704
	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	

**ORDER**

**Adopted: October 31, 2003**

**Released: November 3, 2003**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration three Requests for Review filed by Education Service Center Region 12 (ESC), Waco, Texas.<sup>1</sup> ESC requests review of decisions made by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator) relating to ESC's three applications for discounts in Funding Year 2001 under the schools and libraries universal service support mechanism.<sup>2</sup> For the reasons set forth below, we grant ESC's Requests for Review and remand its applications to SLD for further processing.

2. Every funding year, SLD establishes and notifies applicants of a "minimum processing standard" to facilitate the efficient review of the thousands of applications requesting funding.<sup>3</sup> When an applicant submits an application that omits an item subject to the minimum

<sup>1</sup> Letter from Rob Scott, Education Service Center Region 12, to Federal Communications Commission, filed August 10, 2001 (referencing Applicant Form Identifier "Internet access" or NEC.471.01-19-0105500589); Letter from Rob Scott, Education Service Center Region 12, to Federal Communications Commission, filed August 10, 2001 (referencing Applicant Form Identifier "Wiring" or NEC.471.01-19-0105500658); Letter from Rob Scott, Education Service Center Region 12, to Federal Communications Commission, filed August 10, 2001 (referencing Applicant Form Identifier "Core Switch" or NEC.471.01-19-0105500704). In the instant appeal, we collectively refer to these letters as the "Requests for Review."

<sup>2</sup> See Requests for Review. Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. §54.719(c).

<sup>3</sup> See, e.g., Form 471 Minimum Processing Standards and Filing Requirements for FY2001 (Funding Year 2001 Form 471 Minimum Processing Standards).

processing standards, SLD automatically rejects the form and returns it to the applicant.<sup>4</sup> SLD is authorized to establish and implement filing periods and program standards for FCC Form 471 applications by schools and libraries seeking to receive discounts for eligible services.<sup>5</sup>

3. ESC filed three FCC Forms 471 with SLD on January 19, 2001.<sup>6</sup> In all three of the applications, ESC failed to indicate the name of the billed entity in Block 1, Item 1.<sup>7</sup> As a result, SLD returned without consideration ESC's Funding Year 2001 applications for discounted services under the schools and libraries universal service support mechanism because it omitted information required under SLD's minimum processing standards.<sup>8</sup> In response, ESC filed the instant Requests for Review and asserts that the criteria employed to disapprove its applications is not applied on a consistent basis. ESC claims that by supplying the entity number, SLD should have been able to accurately identify ESC.<sup>9</sup>

4. Upon review of the record, we grant ESC's Requests for Review. In the *Asociacion de Educacion Privada Order*, the Bureau found that an application was improperly rejected where the applicant, in filling out the Block 1 Billed Entity address, failed to specify the city name.<sup>10</sup> It stated that, "[g]iven all of the other information relating to the address of the billed entity in the application, . . . SLD could have determined the city name of the billed entity."<sup>11</sup> We find that the Billed Entity name, the only information omitted from ESC's application, could similarly have been determined from other information in the application, specifically, the billed entity number. As a result, we conclude that, as in the *Asociacion de Educacion Privada Order*, the omission of the billed entity name should not have prevented SLD from data entering ESC's application. We note that, under current minimum processing standards for Block 1, applicants

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<sup>4</sup> *Id.*

<sup>5</sup> See 47 C.F.R. § 54.507(c); *Changes to the Board of Directors of the National Exchange Carrier Association, Inc., Federal-State Joint Board on Universal Service*, CC Docket Nos. 97-21 and 96-45, Third Report and Order in CC Docket No. 97-21 and Fourth Order on Reconsideration in CC Docket No. 97-21 and Eighth Order on Reconsideration in CC Docket No. 96-45, 13 FCC Rcd 25058 (1998).

<sup>6</sup> FCC Form 471, Education Service Center Region 12, filed January 19, 2001 (NEC.471.01-19-0105500589); FCC Form 471, Education Service Center Region 12, filed January 19, 2001 (NEC.471.01-19-0105500658); FCC Form 471, Education Service Center Region 12, filed January 19, 2001 (NEC.471.01-19-0105500704). In the instant appeal, we collectively refer to these applications as the "ESC FCC Forms 471."

<sup>7</sup> *Id.*

<sup>8</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Rob Scott, Education Service Center Region 12, dated March 20, 2001 (referencing Applicant Form Identifier "Internet access" or NEC.471.01-19-0105500589); Letter from Schools and Libraries Division, Universal Service Administrative Company, to Rob Scott, Education Service Center Region 12, dated March 20, 2001 (referencing Applicant Form Identifier "Wiring" or NEC.471.01-19-0105500658); Letter from Schools and Libraries Division, Universal Service Administrative Company, to Rob Scott, Education Service Center Region 12, dated March 20, 2001 (referencing Applicant Form Identifier "Core Switch" or NEC.471.01-19-0105500704).

<sup>9</sup> See Requests for Review.

<sup>10</sup> *Request for Review by Asociacion de Educacion Privada, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-265532, CC Dockets No. 96-45 and 97-21, Order, 16 FCC Rcd 17712 (Com. Car. Bur. 2001) (*Asociacion de Educacion Privada Order*).

<sup>11</sup> *Id.* at para. 6.

are required only to include (1) the name of the Billed Entity *or* the Entity Number; (2) the Funding Year; and (3) the Contact Person Name.<sup>12</sup>

5. Accordingly, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Requests for Review filed by Education Service Center Region 12, Waco, Texas, on August 10, 2001 ARE GRANTED and REMANDED to SLD for further processing.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert  
Deputy Chief, Telecommunications Access Policy Division  
Wireline Competition Bureau

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<sup>12</sup> See, e.g., SLD Website, Form 471 Minimum Processing Standards and Filing Requirements, <http://www.sl.universalservice.org/reference/471mps.asp>.